

**subject matter identified as Species I, a data processor operating system, to be examined on the merits.** It is Applicants belief that the claims presently in the Application directed towards the identified species are as follows:

Species I -- Claims 1-17, 19, 21-26, 28-37, 39-44 and 47.

Species II -- Claim 38

Species III -- Claims 18, 20 and 27

Species IV -- Claim 45

Species V -- Claim 46

Applicants election therefore encompasses claims 1-17, 19, 21, 21-26, 28-37, 39-44 and 47 for examination, and identifies claims 1, 16, 22, 24, 28 and 47 (as explained below) as true generic claims directed towards identified Species I.

### **CLAIMS STATUS**

Claims 1, 16, 22, 24, 28 and 47 (as originally filed or as added by amendment) are a true generic claim encompassing all of the species. Those claims are reproduced below, and the limitation in that claim that is generic to all of the five species identified is highlighted.

1. A computerized wagering game apparatus, comprising:

a computerized game controller having a processor, memory, and nonvolatile storage and operable to control the computerized wagering game;

*an operating system kernel executing on the computerized game controller,*

*a system handler application operable to manage gaming program objects.*

16. A secure computerized wagering game system **controlled by a general-purpose computer, comprising an operating system kernel that is customized to disable selected device handlers.**

22. A machine-readable medium with instructions thereon, the instructions when executed operable to cause a computer to manage at least one gaming program object via a system handler application, such that a single gaming program object is loaded and executed at any one time but gaming program objects are operable to share data via the program variables in a nonvolatile storage.

24. A machine-readable medium with instructions thereon, the instructions when executed operable to store program variables in nonvolatile storage, such that loss of power does not result in loss of the state of the computerized wagering game system.

28. A gaming machine architecture, comprising an operating system, and a plurality of shared objects; wherein each shared object describes game personality in a selected mode.

47. A method of modifying an operating system kernel, comprising at least one modification to obtain functionality selected from the group consisting of:

- 1) accessing user level code from ROM;
- 2) executing user level code from ROM;
- 3) zeroing out unused RAM;
- 4) testing and/or hashing the kernel; and
- 5) disabling selected device handlers.

It is therefore apparent that Claims 1, 16, 22, 24, 28 and 47 are directed towards the elected Species I and those claims should be examined on the merits.

#### **TRAVERSAL OF ELECTION/RESTRICTION REQUIREMENT**

Applicants traverse the Restriction/Election Requirement as there are six true generic claims in the application that encompass a true generic invention. The six "species" are in effect, one generic invention (the data processor operating system) and five species within the generic class (species executed by the operating system). The four identified species II, III, IV and V are conventional programs within gaming apparatus and must be controlled by the generic invention. As such, the four species are not divisible from the generic invention. There is no basis for the restriction requirement.

Applicants acknowledge the desirability for electing an ultimate species for purposes of examination, have made that election, and confirm the statement that upon allowance of a generic claim, claims to the other species in dependent form shall be allowed. Applicants have therefore submitted claims 48-51 to be dependent from claim 1, those claims being directed towards Species II-V.

**IN THE CLAIMS**

Please add the following new claims, this set of claims being in clean form in compliance with the requirements of newly amended 37 C.F.R. 1.121:

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- Sub E7 48. The computerized wagering game of claim 1 wherein the operating system kernel executing on the computerized game controller comprises an element of a universal operating system also comprising a system handler.
- a 49. The computerized wagering game of claim 1 wherein the non-volatile storage is controlled by a general-purpose computer, the non-volatile storage stores game data, and the storage of game data in the non-volatile storage preserves the state of the computerized wagering game system upon loss of power.
50. The computerized wagering system of claim 1 operating within a networked on-line system.
51. The computerized wagering system of claim 1 wherein the system controls a progressive meter.
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